

MISSOURI COURT OF APPEALS WESTERN DISTRICT

STATE ex rel: AMANDA PRYOR,

Appellant,

v.

DOUGLAS NELSON and CHRIS KOSTER,

Respondents.

DOCKET NUMBER WD77494

Date: December 9, 2014

Appeal from:
Cole County Circuit Court
The Honorable Patricia S. Joyce, Judge

Appellate Judges:
Division One: Thomas H. Newton, Presiding Judge, Lisa White Hardwick and Anthony
Rex Gabbert, Judges

Attorneys:
John M. Albright, Poplar Bluff, MO for appellant, for appellant.
Robert L. Presson, Jefferson City, MO for respondent, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

STATE ex rel: AMANDA PRYOR

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Before Division One: Thomas H. Newton, Presiding Judge, Lisa White Hardwick and Anthony Rex Gabbert, Judges

Amanda Pryor, as next friend for the four minor children of Zachary Snyder, appeals the circuit court's judgment dismissing her petition for a writ of mandamus against Douglas E. Nelson, the Commissioner of the Office of Administration of the State of Missouri, and Chris Koster, the Attorney General of the State of Missouri (collectively, "Respondents"). Pryor sought the writ to compel Respondents to issue checks from the State Legal Expense Fund ("the Fund") to satisfy a judgment entered by the United States District Court for the Eastern District of Missouri ("federal court") against a Department of Corrections employee for Snyder's wrongful death. On appeal, Pryor contends she stated a claim for mandamus relief.

AFFIRMED.

Division One holds:

The circuit court did not err in dismissing Pryor's petition for failure to state a claim for mandamus relief. In her petition, Pryor did not allege any facts indicating that the

federal court's judgment was 'final judgment' under Section 105.711.2, RSMo Cum. Supp. 2013, that is, a conclusive determination of the Department of Corrections employee's liability, with no further appeals or review possible. Therefore, Pryor failed to allege facts demonstrating a clear, unequivocal, specific, and presently existing right to payment from the Fund. The dismissal judgment is affirmed.

Opinion by: Lisa White Hardwick, Judge

December 9, 2014

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